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FM AMEMBASSY TBILISI
TO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
INFO RUEHC/SECSTATE WASHDC PRIORITY 8544

C O N F I D E N T I A L SECTION 01 OF 03 TBILISI 003179

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DEPARTMENT FOR EUR/CARC

E.O. 12958: DECL: 12/28/2017
TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [GG](#)
SUBJECT: TBILISI ELECTIONS UPDATE 12/28/2007

Classified By: Ambassador John F. Tefft for reasons 1.4 (b) and (d).

ODIHR SECOND INTERIM REPORT

¶1. (U) ODIHR's second report was released on December 28 and notes that the campaign environment has been soured by allegations of use by Saakashvili of budgetary funds, unequal campaign conditions, intimidation, and vote buying. OSCE ODIHR has received information and first hand accounts which indicate that some of these claims are credible. OSCE/ODIHR long term observers have substantiated that some opposition-appointed members of the Precinct Electoral Commissions (PECs) were not informed about inaugural PEC meetings. Initial ODIHR media monitoring indicates a lack of balance in the news coverage of most monitored TV stations, with Saakashvili generally receiving the most coverage.

AMBASSADOR RAISES ODIHR CONCERNS WITH BURJANADZE

¶2. (C) Ambassador Boden told Ambassadors on December 28th that ODIHR's major concerns revolve around the allegations of the use of intimidation during the pre-election campaign. Boden was recently in Telavi and saw first hand the misuse of administrative resources by the Deputy Governor, who is still driving around in his government vehicle while technically on leave to conduct campaign business. Boden said that ODIHR has received credible information about the local police in Borjomi using intimidation against election commission officials, and about similar incidents in Raja, Gordobani, Telavi, and Rustavi. The ODIHR legal analyst told the group the opposition doesn't trust the court system and feels that they cannot get fair court hearings. Her analysis is that the local courts stretch the law to the limits in order favor the majority. Ambassador subsequently raised these issues with Acting President Nino Burjanadze and recommended that she address the incidents of intimidation and see that they are stopped. Burjanadze had not yet seen ODIHR's second report and seemed genuinely surprised and shocked by continuing allegations of intimidation. She said that she had spoken firmly to governors about their responsibilities. She said she would raise the issue anew with Security Council Chief Lomaia and call the governors in the regions to get to the bottom of it.

SAAKASHVILI REFLECTS ON MISTAKES

¶3. (U) Presidential candidate Mikheil Saakashvili was featured as a guest on Inga Grigolia's late night talk show on Rustavi-2 on December 27th. Saakashvili fielded challenging questions from interviewers about his biggest

mistakes. Then, the audience members were asked the same question. Below are key comments.

-- Saakashvili confessed that handling Irakli Okruashvili's case was his biggest mistake during the 4-year period of his presidency. Kakhi Kaladze, a wealthy and well-known Georgian sportsman who plays soccer for an Italian team, responded that he felt Saakashvili's biggest mistake was the handling of the case of Sandro Girgvliani, who was killed by police in a 2006 incident that became a major controversy.

-- Saakashvili pointed out that he no longer needed a "revolutionary team" and therefore would plan "a fundamental shift" of his political team if he is re-elected. Saakashvili said he would not resort to repression against his political opponents.

-- Saakashvili presented the priorities of his election program and promised that he would leave a united Georgia to the person who succeeded him (after Saakashvili's second term).

-- Saakashvili promised that during his second term Georgia would become a member of NATO. He regretfully added that integration into EU would not be possible during the same period.

PRIME MINISTERIAL DEBATE

¶4. (U) Inga Grigolia's late night television show on November 27th also included a second segment featuring point and counter-point from the current Prime Minister Lado Gurgenidze and two Prime Minister hopefuls, Salome

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Zourabichvili and Irakli Iashvili, New Rights Party. The segment featured mainly Zourabichvili who lashed out at the government with accusations of voter intimidation, lack of access to media for opposition candidates, and refusal of the government to address opposition members' concerns. Gurgenidze adroitly answered the accusations with specifics, leaving Zourabichvili ill-equipped with generalizations to counter the administration's points. The overall impression from viewers we talked to was that the administration soundly trounced the opposition candidates on substantive issues.

BODEN PREVIEWS ODIHR REPORT

¶5. (C) Ambassador met privately December 26 with OSCE ODIHR Chief Dieter Boden to discuss the current situation following the publication of the Patarkatsishvili coup plot tapes. Boden said he had met earlier in the day with Acting President Burjanadze to preview for her the second interim report which would be published by December 28. Boden showed the Ambassador the current draft of key findings. The most critical finding was criticism of Saakashvili for improper use of administrative resources. Boden said that over the weekend Saakashvili had "opened" a new pipeline in the Samtskhe-Javakheti region. He had used not only the Presidential helicopter, but a military helicopter accompanied him. Boden said he asked Burjanadze why Saakashvili had opened the pipeline; wouldn't this have been more appropriate for her as Acting President. Boden said she acknowledged the point, but did not have a good answer. Boden said he told her this kind of action will reignite the debate over improper use of administrative resources. Boden also intended to raise this with Presidential Spokesman Bakradze in a meeting later in the evening.

¶6. (C) Boden asked if the US intended to issue a statement warning against excesses after the election results were known. The Ambassador reviewed what he had said to the press

earlier in the day, and said we were finalizing an op-ed statement for Assistant Secretary Fried. The ambassador said he was also discussing with the OSCE Rep and other Ambassadors a possible statement on this issue for the local OSCE Ambassadors to issue. He said one needed to be careful with such a statement so that it was not interpreted as implicit support for Saakashvili. The real problem was that there were some opposition leaders who are determined to launch post-election protests no matter what OSCE ODIHR or other experts say. They have no rational goal in mind, other than showing their anger toward the "hated Misha." Boden said he was thinking about the "January 6 problem", saying that if the final report of ODIHR on the election finds that the process of the election went well but that there were a number of problems with the campaign (e.g. misuse of administrative resources) the opposition will use any criticism to try and discredit the entire process. Boden noted in this regard that he had been impressed with the work of the new CEC Chairman and his dedication to ensuring a free election. Boden clearly seemed to be already thinking through his final report, and how it would be received not just internationally but domestically in Georgia.

CEC OUTLINES ITS VOTING RULES

17. (SBU) CEC lawyer Archil Asanashvili briefed us December 26 on the implications of the CEC's new composition (6 opposition-appointed members, 1 from the National Movement, and 6 appointed by the President and Parliament) for key CEC decisions during the election. He noted that the CEC is required to have a two-thirds majority to make certain kinds of decisions. This was the case recently when the 6 opposition members blocked a plan to organize voting for Georgian troops in Iraq. (A court subsequently ordered the CEC to organize such voting, in order to protect the rights of Georgian soldiers serving abroad.) But for most decisions, including the certification of results, announcement of preliminary results, and (with some limited exceptions) de-certification of any candidates, the CEC is able to act based on a simple majority of 7 votes.

IMEDI

18. (C) Lewis Robertson, General Manager of Imedi TV, told post press officer that Marty Pompadour, Executive Vice President of News Corp and President of News Corp Europe, had made the decision to shut down Imedi. Robertson said he had argued that the station should not be closed as it had been

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off the air for 35 days and had fought hard to return to broadcasting. With the staff defections and other threatened walkouts by employees, it has become problematic to produce newscasts. Robertson expressed fears about what will happen on January 6th, wondering whether there would be violence. He said that Pompadour was going to announce in New York City that it was News Corp's decision to close the station.

19. (U) Prime Minister Lado Gugenidze said that the decision to close Imedi was made by the owners, and not the government. He expressed the hope that the channel will resume broadcasts soon and that Imedi staff will continue to work in the usual regime.

G.I.s Vote

110. (U) The Tbilisi Defense AttachQ Office is working with the Central Election Commission to airlift CEC members and voting materials to Georgian military members in Iraq. The current plan is for CEC representatives to depart Tbilisi on

2 January and to complete all voting in Iraq and return to Tbilisi on 6 January. Currently seven members of the CEC are planning on making the trip; it is unclear at this point if opposition members will also travel. Post is working to coordinate helicopter lift for the CEC members from Baghdad to the nine different locations where Georgian military members currently serve throughout Iraq.

Criminal Investigation

11. (C) The British Charge D'Affaires told Ambassador that the Georgians are now discussing with British authorities the Badri Patarkatsishvili case, and specifically whether he could be arrested for plotting a coup from British soil. This question has come to light due to the Patarkatsishvili coup tapes, where he discusses fomenting unrest in Georgia. At the time of the recordings, Patarkatsishvili was both in Israel and the United Kingdom. Contrary to some public statements otherwise, the British government did not tape any telephone conversations between Patarkatsishvili and others as it is against British law.

TEFFT